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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,595	11/03/2000	James C.H. Thi	37353/CAG/B600	6926

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EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
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2664

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DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,595

Applicant(s)

THI ET AL.

Examiner

William C. Schultz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 10, 14-19, 23, 27, 31, 37, 40, 42, 44, 48, 53, 57, 61 and 65 is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3.7</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims objected to are 4,5,7-9,11-13,20-22,24-26,28-30,32-36,38,39,41,43,45-47,49-52,55,56,58-60,62-64,66 and 67.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 3/16/01, 10/12/01 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

Priority

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

Specifically, provisional 60/136,685 fails to disclose anything connected with the claims. Fractional resampling is not clearly disclosed in a way that one of ordinary skill in the art to recognize that the applicant invented what is claimed.

Specifically, provisional 60/160,124 fails to disclose anything connected with the claims. Fractional resampling is not clearly disclosed in a way that one of ordinary skill in the art to recognize that the applicant invented what is claimed.

Specifically, provisional 60/129,134 fails to disclose anything connected with the claims. Fractional resampling is not clearly disclosed in a way that one of ordinary skill in the art to recognize that the applicant invented what is claimed.

The filing date for this application will be given the date of the parent application 09/548,400 which is 4/13/2000.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 14-16, claim 14 fails to actually distinguish the generation of a first clock count and a second clock count. The count as *claimed* could be looked as a single count for both clocks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,6,10,17-19,23,27,31,37,40,42,44,48,53,57,61,65 are rejected under 35 U.S.C. 102(e) as being anticipated by de Lantremange [U.S. Pat. 5,970,093].

Regarding claims 1,17,37,42,48,53, de Lantremange discloses all the following subject matter: a method of synchronizing data clocked by a first clock to a second clock comprising: **(fig. 2A)**

deriving an offset between the first clock and the second clock; and **(col. 6, lines 22-25; col. 2, lines 27-50)**

fractionally resampling the data as a function of the offset. **(col. 6, lines 17-22)**

Regarding claims 2,18, de Lantremange further discloses the data comprises voice. **(col. 1, line 17 – TV signals carry voice)**

Regarding claims 3,19,42,54, de Lantremange further discloses the offset derivation comprises counting at least a portion of a cycle of the first or second clock, the fractional resampling being a function of the count. **(col. 17, lines 49-61)**

Regarding claims 6,23,40,61 de Lantremange further discloses receiving the data sampled with the first clock, wherein the offset derivation comprises counting at least a portion of a cycle of the first clock, the fractional resampling of the data being a function of the count. **(col. 17, lines 49-61)**

Regarding claims 10,27 de Lantremange further discloses the offset derivation comprises counting at least a portion of a cycle of the second clock, the fractional resampling of the data being a function of the count, the method further comprising transmitting the fractionally resampled data. **(col. 17, lines 49-61)**

Regarding claims 14,31,57,65, de Lantremange further discloses the offset derivation comprises counting at least a portion of a cycle of the first clock, counting at least a portion of a cycle of the second clock, generating an error signal(**fig. 1b, part 55 – generates an error signal**) as a function of the first and second clock counts, the fractional resampling of the data being a function of the error signal. (**col. 17, lines 49-61;)**

Regarding claims 44, de Lantremange further discloses a filter between the counter and the sample tracker. (**fig. 1b part 48**)

Allowable Subject Matter

Claims 4-5,7-9,11-13,20-22,24-26,28-30,32-36,38-39,41,43,45-47,49-52,55-56,58-60,62-64,66-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

De Lantremange [U.S. Pat. 6,141,378] – fractionally-spaced adaptively-equalized self recovering digital receiver for Am-phase modulated signals.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William Schultz



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